

NEW DRAWINGS

The attached sheet of drawings includes new Figs. 6 and 7. New Figs. 6 and 7 more clearly illustrate the stops (22) and spring 24 of original claims 1 and 4. Support for the new figures can be found in original claims 1 and 4. Accordingly, no new matter is being added.

REMARKS

Claims 1-3 are currently pending, wherein claim 1 has been amended to include the subject matter of canceled claim 4, and claims 4 and 5 have been canceled. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 1 of the Office action (“Action”), the Examiner objects to the drawings for not showing the “stops for the mechanism pivots”, the “spring” of claim 4, and the “reroutings” of claim 5. Applicants hereby amended the figures and specification to include new Figures 6 and 6 which illustrate in detail the stops and spring of original claim 4, now amended claim 1. Support for this amendment is found in original claims 1-5. Accordingly, no new matter has been added.

In paragraph 3 of the Action, the Examiner objects to claims 1-5 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Claim 1 has been amended to correct various typographical and/or translations error, thereby addressing the Examiner’s concerns.

In paragraph 5 of the Action, the Examiner rejects claims 1-5 under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. More specifically, the Examiner asserts that “[n]o stops for the pivots are apparently disclosed and the claim is not understood via the disclosure.” Applicants hereby amend the specification and drawings to include additional figures 6 and 7 which clearly illustrate the stops and pivots as recited in original claims 1 and 4. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-5 under 35 U.S.C. §112, second paragraph.

In paragraph 8 of the Action, the Examiner rejects claims 1 and 5 under 35 U.S.C. §103(a) as allegedly being unpatentable over Schliecher et al. (DE 4012635), in view of Imgram

et al. (US 2003/0047968), Bohm et al. (US 6,783,174), and Hayashi et al. (US 5,154,482).

Applicants respectfully traverse this rejection.

At the outset, Applicants note that the Bohm et al. reference has a U.S. filing date of May 28, 2003 which is eight day after the effecting filing date (i.e., May 20, 2003) of the present application. Therefore, Bohm et al. is not prior art under 35 U.S.C. §102 or §103. Accordingly, this rejection is improper because of its reliance on the teachings of Bohm et al.

Furthermore, claim 5 has been canceled, and claim 1 has been amended to include the subject matter of canceled claim 4, rendering this rejection moot. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1 and 5 under 35 U.S.C. §103.

In paragraph 9 of the Action, the Examiner rejects claim 3 under 35 U.S.C. §103 as allegedly being unpatentable over Schliecher et al., in view of Imgram et al., Bohm et al., and Hayashi et al., further in view of Masuda, Maeda et al. and Bienert. Applicants respectfully traverse this rejection.

As discussed above, the Bohm et al. reference is not prior art under 35 U.S.C. §102 or §103. Accordingly, the rejection of claim 3 is improper because of its reliance on the teachings of the Bohm et al. reference. Furthermore, independent claim 1, from which claim 3 depends, has been amended to include the subject matter of canceled claim 4, thereby rendering this rejection moot.

In paragraph 10 of the Action, the Examiner rejects claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over Schliecher et al. in view of Imgram et al., Bohm et al., and Hayashi et al., further in view of Lenhardt et al. (US 6,439,655). Applicants respectfully traverse this rejection.

First, as discussed above, this rejection is improper because the Bohm et al. reference is not prior art under 35 U.S.C. §102 of §103. Second, even if the Bohm et al. reference were prior art, the subject matter of claim 4 is still patentable over the cited combination because the combination because the Examiner fails to establish a *prima facie* case of obviousness as discussed below.

In order to support a rejection under 35 U.S.C. §103, the Examiner must establish a *prima facie* case of obviousness. To support a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to modify/combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, the subject matter of claim 4 is patentable over the cited combination because (1) the Examiner fails to provide proper motivation to modify/combine the cited references and/or (2) the combination fails to disclose each and every claimed element.

In rejecting claim 4, the Examiner asserts that the “claims appear to be a compilation of known elements from this art.” Therefore, the examiner concludes that it would have been obvious to pick and choose individual elements from the cited references in order to achieve the claimed invention. However, as discussed in section 2143.01 of the MPEP, the mere fact that individual elements were within the knowledge of one skilled in the art does not render the resultant combination obvious absent some objective reason to combine the cited references. Accordingly, absent some objective reason to combine each of the cited references, the rejection of claim 4 is improper.

Furthermore, even if one skilled in the art were motivated to combine the cited references, which Applicants do not concede, the combination would still fail to render claim 4 unpatentable because the combination fails to disclose each and every claimed element.

The supporting frame according to the present invention, and as defined by original claim 4, includes a cable composed of three cable segments. The first segment runs from the drum of one of the sliding elements, passing by the rerouting of the front corner, with a spring at the end connected to the sliding element.

Lenhardt et al. discloses a spring (18), however, this spring exerts force over a toggle lever (9) instead of the cable as claimed. In contrast, tension is maintained in the three cable segments of the present invention due to the force exerted by respective springs placed in the sliding elements (3).

Since Schliecher et al., Imgram et al., Bohm et al., Hayashi et al., and Lenhardt et al. each fail to disclose or suggest a cable includes three cable segments with a spring at the end connected to the sliding elements as claimed, the combination of these five references cannot possible disclose or suggest said element. Therefore, even if one skilled in the art were motivated to combine these references, the combination would still fail to render claim 4 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 4 under 35 U.S.C. §103.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By Penny Caudle Reg # 46,607
Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachments: Figures 6 and 7